GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Works Accounts Department – R&E – V&E -Loss to the Government towards for failure of deposits and advance payment to be recovered from the contractor due to lapse of Bank Guarantee submitted by him for the work of (a) Improvements to NBB road from Km. 16/0 to Km.30/0 Improvements to NMT road from Km 8/4 to 16/4 which were terminated by CE (APHM & ECRP) on the grounds of breach of contract by Sri. N. Visweswara Rao, DAO (Retd) – Imposition of Punishment of 15% cut in Pension permanently under Rule 9 of Andhra Pradesh Revised Pension Rules 1980 subject to non-sanction of encashment of E.L, Retirement Gratuity and commuted value of Pension –Orders – Issued.

FINANCE (ADMN.II) DEPARTMENT

G.O.MS.No. 41 **Dated: 17-03-2016**

Read the following:

1. U.O. Note.No. 8284/S.I.2/2002-2, dt: 19.09.2002
2. Govt. Memo. No. 29183/795/WA.II/A1/2002, dt: 05.10.2002.
3. G.O. Rt. No. 265, TR&B (Vig.I.1) Department 14.03.2007
4. U.O. Note. No. 8284/Vig.I.1/2002-17, dt: 29.08.2008
5. From the Commissioner of Inquiries D.O. Letter No. 150/COI-JR/2007, dt: 21.04.2008, &16.07.2008.
6. Govt.Memo.No. 2648-A/14/WA.II-Admn.III/2009, dt: 21.04.2015.
7. DWA. Lr. No. DWA/Hyd/Sn-I/EC-1/2015-16/196, dt: 30.07.2015.
8. Letter No. 24/DC&C/1/2016, dt: 02.03.2016 of Principal Secretary, APPSC.

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ORDER:

In the reference 1st read above, theTR & B (SER.I.2) Department furnished a copy of the draft Article charge in respect of Sri. N. Visweswara Rao, DAO (W) to Finance (WA-II) Department and they are requested to frame article of charges on Sri. N. Visweswara Rao, under Sub-rule-3 of Rule 20 of APCS (CCA) Rules, 1991.

2. In the reference 2nd read above, Finance (WA.II) Department framed the following Article of Charge against Sri. N. Visweswara Rao, DAO (W) Grade-II

Charge-I

That the said Sri. N. Visweswara Rao while working as Divisional Accounts Officer (W), APHM&ECRP Division, Nellore has failed to get the Bank Guarantees revalidated or extended within the stipulated period and also failed to recover the mobilization advance and other dues from the period and also failed to recover the mobilization advance and other dues from the contractors M/s ENN CEE CEE Engineers & contractors thereby

causing loss of Rs. 46.81 lakhs to the Government (Performance and Security and additional Security Bank Guarantee Rs. 26.07 lakhs and mobilisation advance of Rs. 20.74 lakhs) consequent on termination of contract for the works (i) improvements to NBB Roads from Km 16/0 to Km 30/0 and (ii) Improvements to NMT Road from Km 8/4 to 16/4 by the Chief Engineer (R&B), APHM & ECRP, A.P, Hyderabad on 29.06.2001. This amounts to negligence of his duties thus he has violated Para -89 of A.P. Public Works Accounts Code, Article 3 (1), Article -4 of A.P. Financial Code, Volume-I and Rule 3 (1) of A.P. Civil Services (Conduct) Rules, 1964.

3. After issued several reminders by the Director of Works Accounts, Hyderabad as well as by the Commissioner of Inquiries, the charged officer did not submit any written statement of defence in support of his claim and not attended the inquiry. The last Notice issued by the Commissioner of Inquiries on 15.05.2008.

4. In the reference 3rd read above, the TR & B Department were issued appointing an enquiry authority for conducting departmental enquiry for the charges framed against the officials of Roads and buildings Department including Sri. N. Visweswara Rao, DAO.

5. In the reference 4th read above the TR&B Department furnished the copy of inquiry report of Commissioner of Inquiries for taking further necessary action as per rules, in respect of the charged officer Sri. N. Visweswara Rao, DAO.

6. In the reference 5th read above, the Inquiry Officer has submitted his Inquiry report wherein he has stated that charged officer–III did not submit any explanation, nor did he appear before the Inquiry authority for his defence and the proceedings were held ex-parte. It is evident that he has no defence to submit. Agreeing with Presenting Officers arguments and the allegations issued in the charge, Inquiry Officer held the charge against charged officer-III as proved.

7. In the reference 6th read above, Government issued final Show Cause Notice to the Charged Officer as to why a punishment of 15% cut in pension permanently from his pension should not be imposed on him under Rule 9 of Andhra Pradesh Revised Pension Rules 1980,subject to recovery of Rs.46.81 lakhs in proportion with other charged officers by withholding of encashment of EL, Retirement Gratuity and Commuted value of Pension for the charge proved against him in the Inquiry.

8. In the reference 7th read above, the Director of Works Accounts, Andhra Pradesh, Hyderabad has informed that the final show cause notice was communicated to Sri. N. Visweswara Ra, DAO (W) (Retd) vide DWA Memo No. DWA/HYD/Sn-I/EC-1/2015-16/50, dt:29.04.2015, but the individual has not submitted his further explanation on the Final Show Cause Notice till today. The stipulated time given to the individual was also completed.

9. In the reference 8th read above, the Andhra Pradesh Public Service Commission has agreed to the proposal of the Government to impose the punishment of 15% cut in pension permanently against Sri. N. visweswara Rao, DAO (W) Grade-I (Retd).

10. Keeping in view of all procedures and after careful examination Government is hereby decided to impose a punishment of 15% cut in pension permanently on Sri N. Visweswara Rao, DAO (W) Grade-I (Retd), as per Rule 9 of Andhra Pradesh Revised Pension Rules 1980subject to non-sanction of encashment of E.L, Retirement Gratuity and Commuted value of Pension and imposing a punishment of 15 % cut in pension permanently on Sri N. Visweswara Rao, DAO (W) Grade-I (Retd), subject to non-sanction of encashment of E.L, Retirement Gratuity and Commuted value of Pension.

11. The Director of Works Accounts, Andhra Pradesh, Hyderabad shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M. RAVI CHANDRA
SECRETARY TO GOVERNMENT (R&E)

To
1) The individual through DWA, A.P., Hyderabad.
2) The Director of Works Accounts, A.P. Hyderabad.
3) The G.A (COI) Department, A.P. Secretariat, Hyderabad.
Copy to:
4) The Secretary, A.P. Vigilance Commission, Hyderabad.
5) The Accountant General (A&E), A.P. Hyderabad.
6) The Secretary to APPSC, Hyderabad.
7) The TR & B Department, A.P., Secretariat.
SF/SCs.

//FORWARDED :: BY ORDER//

SECTION OFFICER